

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Gilberto Marquez,

Plaintiff

v.

Johnson & Johnson

Pharmaceutical Companies,

Dr. Williams Young M.D.,

Justin Lensbower L.P.N.,

Primecare Health,

Wellspan Health,

Defendants.

Case No: _____

FILED
HARRISBURG, PA

MAY 11 2023

PER DDA
DEPUTY CLERK

COMPLAINT FOR MEDICAL MALPRACTICE

1. Plaintiff, Gilberto Marquez is an adult individual residing at 1804 Opportunity Avenue, Chambersburg Pa. 17201.

2. Defendant, Johnson & Johnson Pharmaceutical Company is a Corporation organized and existing under the law of the state of Pennsylvania and New Jersey with its principal place of business at 1838 Colonial Village LN, Lancaster Pa. 17601 with headquarters at New Brunswick, N.J. At all times material hereto, the defendants were doing business in the Commonwealth of

Pennsylvania. Johnson & Johnson Pharmaceutical Company is a corporate defendant involved in the manufacture, and distribution of the vaccine.

3. Defendant, Justin Liensebower, LPN, PrimeCare Health Franklin County Jail, Health Administrator, is an adult individual who at all times material hereto was a duly licensed employee with the Franklin County Jail with an office located at, 1804 Opportunity Ave., Chambersburg, Pa. 17201.

4. Defendant, Dr.. William Young, M.D., PrimeCare Health is an adult individual who at all times material hereto was a duly licensed physician with the Franklin County Jail with an office located at, 1804 Opportunity Ave., Chambersburg, Pa. 17201.

5. Defendant, PrimeCare is a nonprofit Corporation organized and existing under the laws of the Commonwealth of Pennsylvania, located at PrimeCare UPMC, 761 5th. Street, Chambersburg, Pa. 17201, which at all times material hereto, defendants was doing business in the Commonwealth of Pennsylvania providing health care services.

6. Defendant, WellSpan Health Hospital is a nonprofit corporation organized and existing under the law of the Commonwealth of Pennsylvania, located at Chambersburg Hospital, 112 North 7th. Street, Chambersburg, Pa. 17201-1720, which at all times material hereto was a provider of health care services.

8. On or about May 19th. of 2021, plaintiff was vaccinated by defendants WellSpan Health

providers and PrimeCare with the Janssen Covid-19 Vaccine.

9. On the advice and supervision of nurses employed by WellSpan Health and PrimeCare staffs in Franklin County Jail, supervised by the Health Administrator, the plaintiff was given a single shot of the Janssen Covid-19 Vaccine by WellSpan Health providers.

10. Prior to the vaccination, the plaintiff was provided with a questionnaire asking related inquiries regarding prior medical history. There in particular was a question which read, "**Has your immune system ever been compromised because of cancer or H.I.V.?**" The plaintiff answered yes! Plaintiff, after reading and completing the questionnaire and before taking the vaccine shot, did asked PrimeCare and WellSpan providers if the vaccine was safe to take due to his immune system being compromised in the past and present, their answer was, Yes!

11. One shot of the Janssen, COVID-19 vaccination (manufactural injection) number N/A, lot number 202A21A and control numbers (unknown) was injected once.

12 Defendant, Justin Liensbower and the nursing staff prior to administering the vaccination, did express to inmates and plaintiff that if we received the vaccine, we would be awarded more time outside our cells as a privilege. Also, the plaintiff was told that the Janssen vaccine was the only vaccine available. Also, the plaintiff was informed that his age is a COVID-19 risk factor.

13. At all times material hereto, plaintiff was under the care and supervision of the

Defendants, PrimeCare Health, Dr. William Young, M.D., WellSpan Health Chambersburg Hospital, and Franklin County Jail Health Administrator, Justin Leinsebower.

14. Subsequent to the vaccination, plaintiff began to experience various symptoms and illnesses including but not limited to: being diagnosed with diabetes for the first time, the plaintiff was in the hospital for a few days being treated for diabetes. Upon being released from the hospital, plaintiff suffered a heart attack and was again hospitalized. A cat-scan of plaintiff's lungs revealed **blood clots**. Plaintiff due to the vaccine is now diagnosed with having a pulmonary embolism.

15. On or about November 12, 2021, plaintiff vomited blood. Again plaintiff was hospitalized for (TTS) thrombosis thrombocytopenia symptoms. During which administration plaintiff underwent surgery, performed by Wellspan Health at which time it was discovered that plaintiff had a hole in the esophagus.

16. The Janssen COVID-19 Vaccine was to prevent Coronavirus in individuals 18 years of age and older but was recall on or about April 20th. 2021 and again on December 20th. 2021 by the F.D.A. The defendants of Janssen COVID-19 were produced by the pharmaceutical companies of Johnson & Johnson. The vaccine was a hazard to human health and was not designed to utilized for patients with compromised immune systems, thereby causing severe and permanent, disabling injuries to the plaintiff.

WHEREFORE, plaintiff Gilberto Marquez demands judgment against defendants, Justin

Lensbower, LPN., Dr. William Young, MD., PrimeCare Health providers, WellSpan Health providers, and Johnson & Johnson Pharmaceutica Companies, in an amount (not) in excess of \$1,000,000.00, together with cost and any other reliefs this court deems appropriate.

COUNT-1

NEGLIGENCE:

Plaintiff v. Johnson & Johnson Pharmaceutical Companies

17. Plaintiff incorporates by reference the allegations contained in paragraphs 1-16, above, as though set forth herein at length.

18. The carelessness, negligence, recklessness and disregard of defendants Johnson & Johnson Pharmaceutical Companies in designing, manufacturing, packaging, distributing their products includes, but is not limited to, the following;

- (a)** Failing to ensure their product safety for the intended purpose;
- (b)** Failing to adequately evaluate and test their product prior to and after their distribution on elderly patients with compromised immune system to ensure their safety for human use;
- (c)** Failing to utilize the require industry standard of care in designing and manufacturing its product;
- (d)** Failing to properly monitor the use of the vaccine product and to monitor the health of individuals vaccinated with the product to determined the safety of the product for use in human vaccination;
- (e)** Negligently designing, manufacturing a product which was dangerous to use on weak immune system;
- (f)** Failing to warn the healthcare profession and the public of the risk and dangers of the

product in humans with compromised immune system due to a history of cancer or H.I.V. infection;

19. As a direct and proximate result of the defendants' carelessness, negligence, recklessness and disregard, the plaintiff has suffered in the past and will continue to suffer in the future from Pulmonary Embolism and (TTS) Thrombocytopena Symptoms.

20. As a result of the injuries set forth above, the plaintiff has been has been required and will continued to be require to take additional numerous types of medications, such as; Apixaban, Protonix, Lisinopril, Lopressor, Plavix and Coenzyme Q10.

21. As a result of the injuries set forth above, the plaintiff has suffered severe physical pain and anguish, a loss of ability to attend daily activities and a loss of life's pleasures.

WHEREFORE, the plaintiff Gilberto Marquez demands judgement against defendants, Johnson & Johnson Pharmaceutical Companies, in an amount (not) in excess of \$500,000.00, together with cost and any other relief this court deems appropriate.

COUNT-II

USED FALSE AND COERCIVE PURSUATIONS

Plaintiff v. Justin Lensbower, LPN

22. Plaintiff incorporates by reference the allegations contained in paragraphs 1-21,

above, as though set forth herein at length.

23. Defendant Justin Leinsebower, LNP Primecare Health Franklin County Jail Health Administrator made false promises to all inmates if they took the vaccine they would get more time outside their cell and be separated from those that did not take the vaccine. Also the plaintiff was told that the Janssen vaccine was the only one available. Also, plaintiff was advised that due to his age plaintiff is a high risk factor for catching Covid-19.

24. The carelessness, negligence, recklessness and disregard of defendant Health Administrator for the Franklin County Jail, Justin Lensbower in rendering and supervising the aforementioned medical care to the plaintiff includes but is not limited to the following:

25. The defendant Justin Leinsebower, LPN, failed to disclose all material facts and inherent risks and side effects of such vaccine on compromised immune system in relation with a history of cancer or H.I.V.

26. Defendant Justin Leinsebower failed to advise plaintiff of the feasible and available alternative of other safe vaccines for patients with compromised immune system

27. As a direct and proximate result of defendants' carelessness, negligence, recklessness and disregard, plaintiff has suffered in the past and will continue to suffer in the future from pulmonary embolism and (TTS) Thrombosis Thrombocytopena Symptoms.

28. As a result of the injuries set forth above the plaintiff has been required and will continued to be required to take numerous types of medications, such as; Apixaban, Protonix, Lisinopril, Lopressor, Coenzyme Q10 and Plavix.

29. As a result of the injuries set forth above, the plaintiff has suffered and will continued to suffer from mental anguish and emotional distress.

WHEREFORE, the plaintiff Gilberto Marquez demands judgement against defendant, Justin Lensbower, L.P.N., in an amount (not) in excess of \$125,000.00, together with cost and any other relief this court deems appropriate.

COUNT III

NEGLIGENCE

Plaintiff v. Dr. William Young, MD

30. Plaintiff incorporates by reference the allegations contained i paragraphs 1-29, above, as though set forth herein at length.

31. The carelessness, negligence, reklessness and disregard of defendant Dr. William Young, MD in rendering the aforementioned medical care to the plaintiff includes, but is not limited to the following;

(a) **Failing to review the plaintiff medical records prior to allowing the vaccination process;**

(b) **failing to advised PrimeCare and WellSpan Health providers of plaintiff immune deficiency**

condition;

- (c) Failing to obtain appropriate consultation from specialist;
- (d) Failing to warn plaintiff of the risk inherent from the Jannsen vaccine;
- (e) Failing to recommend PrimeCare and Wellspan Health of alternative vaccines;
- (f) Failing to uphold the proper standard of care to ensure plaintiff safety and well-being;

32. As a direct and proximate result of defendants' carelessness, negligence, recklessness and disregard, the plaintiff has suffered in the past and will continued to suffer in the future from pulmonary embolism and (TTS) Thrombosis Thrombocytopena Symtoms.

33. As a result of the injuries set forth above the plaintiff has been required and will continue to be require to take numerous types of medications, such as; Apixaban, Protonix, Lisinopril, Lopressor, Plavix and Coenzyme Q10.

34. As a result of the injuries set forth above, the plaintiff has suffered and will continued to suffer from mental anguish and emotional distress.

35. As a result of the injuries set forth above, the plaintiff has suffered severe physical pain and anguish and a loss of ability to attend daily activities and a loss of life's pleasures.

WHEREFORE, plaintiff Gilberto Marquez demands judgement against defendant Dr. William Young, MD., in an amount (not) in excess of \$125,000.00, together with cost and any other relief this court deems appropriate.

COUNT IV

NEGLIGENCE

Plaintiff v. PrimeCare Health

36. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 35, above, as though set forth herein at length.

37. The carelessness, negligence, recklessness and disregard of defendant PrimeCare Health in rendering the aforementioned medical care to the plaintiff includes, but is not limited to the following:

- (a) Failing to review plaintiff health records;**
- (b) Failing to properly investigate the vaccines' side effects in relation to plaintiffs' compromised immune system;**
- (c) Failing to properly advise plaintiff the risk factors of the vaccine;**
- (d) Failing to obtain appropriate consultation from specialists;**
- (e) Failing to inform plaintiff of alternative available vaccines, Pfizer and Moderna;**

38. The defendant PrimeCare Health, failed to disclose all material facts and inherent risks and side effects of such vaccine on compromised immune system in relation with a history of cancer or H.I.V.

38. Defendant PrimeCare Health failed to advise plaintiff of the feasible and available alternative of the other safe vaccines for patients with a history compromised immune system.

39. The conduct of the defendant PrimeCare Health constitutes a technical assault and battery on the plaintiff health for the rest of his life.

WHEREFORE, plaintiff Gilberto Marquez demands judgement against defendant, PrimeCare Health, in an amount (not) in excess of \$125,000.00, together with cost and any other relief this court deems appropriate.

COUNT-V

Plaintiff v. WellSpan Health

40. Plaintiff incorporates by reference the allegations contained in paragraphs 1-39, above, as though set forth herein at length.

41. The carelessness, negligence, recklessness and disregard of defendant WellSpan Health in rendering the aforementioned medical care to plaintiff includes, but is not limited to the following;

(a) Failing to review plaintiff health records;

(b) Failing to properly investigate the vaccines' side effects in relation to plaintiffs' history of

compromised immune system;

(c) Failing to properly advised the plaintiff the risk factors of the vaccine;

(d) Failing to obtain appropriate consultation from specialists or the FDA;

(e) Failing to informed the plaintiff of alternative available vaccines, Pfizer and Moderna which were available at the time;

42. The defendant WellSpan Health failed to disclose all material facts pertaining the inherent risks and side effects of such vaccine, Janssen to patients with compromised immune deficiency disease.

43. The conduct of defendant WellSpan Health constitutes a technical assault and battery on the plaintiff.

WHEREFORE, plaintiff Gilberto Marquez demands judgement against defendant WellSpan Health, in an amount (not) in excess of \$125,000.00, together with cost and any other relief this court deems appropriate.

COUNT VI

STRICT LIABILITY

Plaintiff v. Johnson & Johnson Pharmaceutical Co.

Justin Lensbower, LPN

Dr. William Young, MD

PrimeCare Health

WellSpan Health

44. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 43, above, as though set forth herein at length.

45. The aforementioned Janssen Covid-19 Vaccine was Recall in April 20th. of 2021 and again in December 20th. of 2021 because it was a dangerous and causing hazardous conditions to humans in which the plaintiff suffer severe and permanent damage to his lungs and a disabling injury.

46. The defendants are strictly liable to the plaintiff because they manufacture, distributed and administer the process which was defective, dangerous and hazardous because of, but not limited to, the following;

47 The Janssen Covid-19 vaccine designed, manufactured, supplied, distributed and administered by defendants was defective, dangerous and hazardous conditions as described above.

48. As a direct and proximate result of the vaccination designed, manufactured and administered by the defendants, the plaintiff has suffered serious, substantial and irreparable injury as set above.

49. Defendant are strictly liable pursuant to the Restatement 2nd of torts §402A for their conduct in placing into the stream of commerce a drug in a defective condition which were unfit for human use and unreasonably dangerous to human health.

WHEREFORE, Plaintiff Gilberto Marquez demands judgement against defendants, Justin Lensbower, LPN., Dr. William Young, MD., PrimeCare Health providers, WellSpan Health providers, Johnson & Johnson Pharmaceutical Companies, in an amount (not) excess of \$1,000,000.00, together with cost and any other relief this court deems appropriate.

COUNT VII

NEGLIGENT MISREPRESENTATION

Plaintiff v. Johnson & Johnson Pharmaceutical Companies

Justin Lensbower, LPN

Dr. William Young, MD

Prime Care Health

WellSpan Health

50. Plaintiff incorporates by reference the allegations contained in paragraph 1-49, above, as though set forth herein at length.

51. Defendants, manufacturing, distributing and administering the Janssen vaccines and promoting a drug to be safe and fit for human vaccination made the drug misrepresentation to the plaintiff.

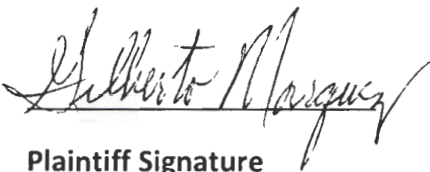
52. Defendants failed to specifically warn plaintiff of the dangers associated with this drug product after

administering it, thereby negligence misrepresentation that the drug was safe and fit for their intended purpose.

53. As a result of defendants misrepresentations, the plaintiff was indulged to taking the drug and as a result of which plaintiff has suffered serious irreparable injury.

54. As a direct result of plaintiff's reasonable reliance on such misrepresentations, plaintiff has suffered damages as set forth above.

WHEREFORE, plaintiff Gilberto Marquez demands judgement against defendants, Justin Lensbower, LPN., Dr. William Young, MD., PrimeCare Health, Wellspan Health and Johnson & Johnson Companies, in an amount (not) in excess of \$1,000,000.00, together with cost and any other relief this court deems appropriate.

A handwritten signature in black ink, appearing to read "Gilberto Marquez", with a stylized flourish at the end.

Plaintiff Signature

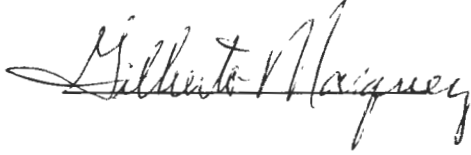
Gilberto Marquez

1804 Opportunity Avenue

Chambersburg, Pa. 17201

VERIFICATION

I, Gilberto Marquez, VERIFY that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Gilberto Marquez", written over a horizontal line.

Date; 05/08/2022 2023

PROOF OF SERVICE

GILBERTO MARQUEZ

Plaintiff

v.

Johnson & Johnson

Pharmaceutical Companies

Defendant

Dr. William Young, MD.

Defendant

Justin Lensbower, LPN.

Defendant

PrimeCare Health

Defendant

Wellspan Health

Defendant

COMPLAINT FOR MEDICAL MALPRACTICE

The undersigned Pro-se plaintiff hereby certifies that on 05-08-23 he personally cause to be served upon the following a true and correct copy of the MEDICAL MALPRACTICE COMPLAINT to, by mailing same first class, postage prepaid, U.S. mail to:

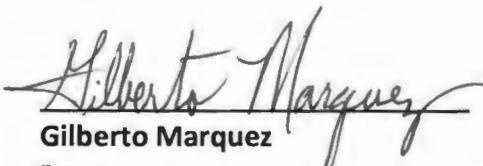
JOHNSON & JOHNSON PHARMACEUTICAL COMPANIES
1838 Colonial Village LN
Lancaster, Pa. 17601

William Young, MD.
1804 Opportunity Avenue
Chambersburg, Pa. 17201

Justin Lensbower, LPN
1804 Opportunity Avenue
Chambersburg, Pa. 17201

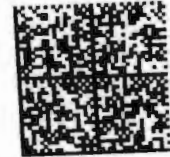
PrimeCare Health, UPMC
761 5th. Street
Chambersburg, Pa. 17201

Wellspan Health
Chambersburg Hospital
112 North 7th. Street
Chambersburg, Pa. 17201-1720


Gilberto Marquez
Pro-se

Gilberto Mojica Marquez
#FK-3088
S.C.I. Mahanoy
301 Grayline Drive
Frackville, Pa. 17932

INMATE MAIL
PA DEPT OF
CORRECTIONS



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To: U.S. District Court
Middle District of Penn
228 Walnut Street
P.O. Box 983
Harrisburg, Pa. 17

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HARRISBURG, PA

MAY 11 2023